



TOWN OF OXFORD
S.B. Church Memorial Town Hall
486 Oxford Road, Oxford, Connecticut 06478-1298
www.Oxford-CT.gov

Conservation Commission / Inland Wetlands Agency

REGULAR MEETING MINUTES

Tuesday, October 27, 2020

The **Regular Meeting** of the Oxford Conservation Commission/Inland Wetlands Agency was held virtually online with Google meets video on Tuesday, October 27, 2020.

Meeting was called to order at 7:30 P.M. by Chairman Susan Purcella Gibbons

PLEDGE OF ALLEGIANCE:

ATTENDANCE ROLL CALL:

COMMISSIONERS PRESENT: Chairman Sue Purcella Gibbons and Commission Members, & Brian Smith, Andy Ferrillo & Ethan Stewart

STAFF: Administrative Secretary Denise Randall and I.W. Enforcement Officer Michael Herde

ABSENT: Commissioner Joe Lanier

AUDIENCE OF CITIZENS (NOT FOR PENDING APPLICATIONS): None

AMENDMENT TO AGENDA: None

EXECUTIVE SESSION: None

NEW BUSINESS:

(IW 20-93) Chippy's Service Station, 140 Oxford Rd., (Proposed use=Commercial business-leasing existing building for cold storage of 3 wreckers) (Wetlands impact=0)

Chairman Susan P. Gibbons stated: Mrs. Barbieri and Attorney Dominick Thomas (who represents the applicant) are both present.

Chairman S. Gibbons stated: We received your information that the Commission asked for at the last meeting by email and I'm pretty sure everyone looked at it.

The Chairman asked if the applicant's attorney wanted to speak.

Attorney Thomas stated: Yes, please Madame Chair. I educated myself on this and read the minutes and I'm not sure why we are in front of the Wetlands Commission because we are talking about no activity on the area outside. I spoke to Zoning and I know a special exception is needed. The Commission asked for information from the contractor and that was provided to you all and this clearly states no use in the area outside the building. How can the commission issue a permit for a regulated activity then?

Chairman Sue Gibbons asked if the Enforcement Officer would like to say anything.

Enforcement Officer M. Herde stated: Yes. In the prior regular meetings, the applicant wasn't 100% sure they weren't going to need to use the outside area for storage. Now since we received the written statement from the applicant, I think the Commission can just then make a motion to refer it back to me for just tenant use as it is now certified of no activity in the wetland.

Chairman Sue P. Gibbons agreed and stated: Your client answered the questions that the commission had and we now have cleared this up and we can move it along to the Zoning Department.

MOTION made by **Commissioner Andy Ferrillo** and seconded by **Commissioner Ethan Stewart** to have the Inland Wetlands Enforcement Officer sign off and to include all of the applicants answers to the commissions concerns and to also include a signed original by owner and tenant of a Commercial statement of use form. No activity in the wetland. All in favor **4-0**.

Please see below for Applicant's answers to commission questions:

Chippy's Service Station LLC.

136 Wakelee Avenue
ANSONIA, CT 06401
(203)734-9648
CHIPPYSTOWING@AOL.COM

October 16, 2020

TO: INLANDS & WETLANDS

The board has requested a letter stating a more accurate description of the site at 140 Oxford Road, a description of what would be stored **inside** of the building, and that there would be either a curbing or gutter system in place with a containment tank to protect wetlands (see attached plan).

Please read the following which addresses all concerns.

The property located at 140 Oxford Road will be used by Chippy's Service Station for the purpose of storing 2-3 wreckers **inside** of the building. Also, **inside** the building, there is space for temporary **inside** storage of vehicles towed per request of Oxford PD as well as Troop A. There will be absolutely nothing done to the exterior of the property, other than pulling in and out of the driveway. Absolutely nothing will be stored outside giving no reason for anything to disrupt the wetlands. If ever we are to a point where there is not adequate **inside** storage, we have two other storage lots that we can easily move vehicles to, so that nothing ever ends up outside. We also have many ways to contain any hazardous materials that may leak. We will utilize drain buckets, speedy dry, absorbent pads, and spill kits. In addition to materials that will be utilized to contain hazardous materials leaking, we have attached plans for installing a curbing/gutter system which contains a containment tank to further ensure protection of the wetlands.

We can assure you that with all of these extreme measures that will be taken, the wetlands will never be contaminated and fully protected. We also can

assure you that absolutely nothing will ever be stored outside. We are willing to do what we need to do to comply with I/W in order to operate safely and efficiently.

Also, please note that plans attached for curbing/gutter system has been provided by licensed contractor F. Pepe Construction.

If there should be anything further that you may need from us, please let us know.

Kind Regards

Robert Barbieri Jr



TO INLANDS AND WETLANDS

1. Need a more accurate description of how the property will be used. Need some type of plan to show the commission. Interior and exterior uses.

Property at 140 Oxford Road will be used for cold storage of 2-3 wreckers. The interior of the building will protect wreckers from various weather elements, and provide an adequate space for inside storage. There will be nothing done to the exterior of the property other than pulling in and out of the driveway. The intention for this property is NOT to be used as a repair facility, just a place to store wreckers, and temporarily store vehicles towed for Troop A and Oxford PD.

2. Parking storage of vehicles for temporary storage. Inside and/or outside storage.

There will be absolutely no outside storage on premises. Anything that is inside of the building will be picked up by appointment only organized by insurance companies.

3. How are you handling any hazardous materials leaking?

We will utilize drain buckets, speedy dry, absorbent pads, and spill kits (consist of absorbent pads and booms which create a barrier). This will protect anything that would leak from contaminating the ground.

4. Do you have to hold a vehicle on site after an accident in Oxford? If so, then how long?

In most cases, insurance companies pick up the vehicle within 24 hours. In order to keep interior storage open, we have a second storage facility in Ansonia that we would gladly move vehicle/s to in order to not clutter anything up in Oxford.

For the generations that we have been in this industry, there has never been a need for spill kits, we have them but the majority of fluids are already out of the vehicle by the time we show up on the scene.

Also, the owner of the property at 140 Oxford Road, stated that he put in berms to protect the wetlands on property from spillage. We are also willing to put in a rain garden to further protect the wetlands as we have no intention to destroy them as we are aware previous tenants did. We are willing to do what we have to in order to operate on this property.

We can assure you that it will be as if we are not even there. Nothing will be stored outside, the only traffic will be pulling in and out of the driveway. The location is conveniently set back from the main road, so there will be nothing visible to businesses located in front of our building.

(IW 20-107) Town of Oxford, Dutton Road Bridge, proposed use bridge replacement & associated roadway construction. (Wetlands impact = 365 sq. ft) (Upland review area = 26,790 sq. ft.) (amount of material removed= 138 c.y.) (Deposited= 42 c.y.) in floodplain.

The Enforcement Officer explained: This is a deteriorating bridge that needs to be replaced and is a town project. An outside engineering firm gave us plans. Basically, on this application it can just be referred back for processing. It is just a new bridge replacing the old one.

MOTION made **Commissioner A. Ferrillo** and seconded by **Commissioner E. Stewart** to approve (IW 20-107) Town of Oxford, Dutton Road Bridge, proposed use bridge replacement & associated roadway construction. (Wetlands impact = 365 sq. ft) (Upland review area = 26,790 sq. ft.) (amount of material removed= 138 c.y.) (Deposited= 42 c.y.) in floodplain.
All in favor **4-0**.

(IW 20-97) Michael Lodice, 402 Quaker Farms Rd, (Lot line revision) (Total acres = 15.6 acres) (Wetlands impact = 0) (Upland review impact =0)

(IW 20-98) Michael Lodice, 402 Quaker Farms Rd, (Proposed single family dwelling) (Total acres = 2.09 acres) (Wetlands impact = 0) (Total acres of wetlands= .31 acres) (Upland review impact =12,000 sq. ft.)

The Enforcement Officer: The applicant has 2 large parcels on Quaker Farms Road and Captain Wooster. They are moving a lot line to create a 2 acre building lot for his parents and one larger lot for existing house. The new smaller lot on Captain Wooster is in a regulated area. The applicant has submitted maps with a conservation easement to protect the wetland.

The Chairman asked if anyone had any more questions on this.

MOTION made by **Commissioner B. Smith** and seconded by **Commissioner A. Ferrillo** to approve **(IW 20-97) Michael Lodice, 402 Quaker Farms Rd,** (Lot line revision) (Total acres = 15.6 acres) (Wetlands impact = 0) (Upland review impact =0) with conditions: Conservation easement placards should be placed every 75' feet apart and or at turning points.
All in favor **4-0**.

MOTION made by **Commissioner B. Smith** and seconded by **Commissioner E. Stewart** to approve with conditions per revised map dated (IW 20-98) Michael Lodice, 402 Quaker Farms Rd, (Proposed single family dwelling) (Total acres = 2.09 acres) (Wetlands impact = 0) (Total acres of wetlands= .31 acres) (Upland review impact =12,000 sq. ft.). Conditions: 1) Conservation easement placards should be placed every 75' feet apart. 2) All standard erosion controls should be in place before, during and after construction. All in favor **4-0**.

OLD BUSINESS:

- **48 Jacksons Cove Rd-** Verbal violation, discussion with permission, separate site walks
Permission (site walk performed) (Still awaiting revised plan from Fred D'Amico)

Applicant nor engineer not present.

Chairman Sue P. Gibbons asked if any discussion on 48 Jacksons Cove Rd.

Commissioner B. Smith suggested we send the letter to the applicant with a 60 day timeframe to get this finished which would bring us to the end of the year.

Commissioner A. Ferrillo added: Yes, I agree and any longer, we can place a fine on it.

The Enforcement Officer stated he would get in touch with Mr. D'Amico (applicant's engineer)

RE-APPLICATION:

NEW APPLICATIONS REQUIRING OCCIWA APPROVAL (ACCEPTANCE):

CORRESPONDENCE:

OTHER BUSINESS:

ACCEPTANCE OF APPROVAL MINUTES & CORRECTIONS TO MINUTES (IF ANY):

MOTION made by **Commissioner E. Stewart** and **seconded by Commissioner A. Ferrillo** to approve the regular meeting minutes from 10/13/20 with a correction on the land trust name which should be not Jim Sanders but should read Dave Zaniowak on page #5. All in favor **3-0**.

ENFORCEMENT OFFICER:

10 Robinson Lane:

The Enforcement Officer stated that he checked the site and it looks good and they will be pouring the concrete for the bridge by the end of the week.

The Enforcement Officer stated: I went to check on restaurants in town and in the back of Rose's restaurant there is a catch basin. I was checking the dumpster which had a lot of garbage overstocked. I explained he needed to get a bigger dumpster and as we were standing over the catch basin, one of the kitchen employees came out of the kitchen with kitchen garbage slop to dump into the catch basin. The owner of the restaurant yelled at him to go back inside. The owner of the restaurant was uncooperative. I then decided to call the owner of the plaza and spoke to him about the incident. The owners of the plaza came right out and I handed him a fine, which he paid right away and stated he would have a talk with the owner of the restaurant (tenant). The owner of the plaza took this very seriously and was very polite and agreed.

Dollar General: This store has way more garbage flowing into the parking area and in the catch basins. I called the owner of the property twice and still have not heard a thing.

Enforcement Officer Herde: I know everyone read the "Notice of Responsibility" which I spoke to the town attorney on, to have this attached to the application for commercial, industrial and big subdivision projects. The Town Attorney agreed and suggested to have the commission vote on it.

MOTION made by **Commissioner B. Smith** and seconded by **Commissioner A. Ferrillo** to attach the form "Notice of Responsibility" to every application moving forward. The applicant must sign and date it. All in favor **4-0**.



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Oxford Conservation Commission / Inland Wetlands Agency

Notice of Responsibility

- The Oxford I/W Commission issues permits for activities in the regulated areas. This includes wetlands and watercourses and may include requested upland areas as well.
- Permits are issued based on information provided by the applicant and may include professional consultant documentation.
- Erosion controls presented on plans whether designed by engineers or not, are acknowledged as "minimum necessary". Depending on site conditions and weather this may be inadequate and must be monitored during and immediately after significant rain events. Oxford annually gets large storm events, 100 year storms are not considered "unusual" or "acts of God".
- This is an acknowledgment that the owner and applicant are jointly responsible for implementing all necessary methods of erosion controls to stabilize the site, which is required from the start date through completion of the project, until permanently stabilization is complete.
- Unless approved by the I/W Commission, only a portion of the project that can be handled should be opened at any given time. Significant size projects need a construction sequence and require stabilization prior to proceeding to the next phase.
- The limits of clearing, grading and disturbance, as shown on the plan(s), shall be kept to a minimum within the approved area of construction. All areas outside the limits of clearing shall remain totally undisturbed.
- Owner and applicant can be ordered to restore damaged area on their property as well as adjacent properties affected by the activity.
- Notify wetlands office 48 hours before start.
- Owner of property authorizes the undersigned applicant to apply for a wetlands permit on their behalf.

Signature of owner and applicant must both sign,

Owner printed signature

Signature

Applicant printed signature

Signature

Approved at 10/27/20 Regular I/W meeting

COMPLAINT/CONCERN:

REPORTS ON SEMINARS, INSPECTIONS, and OTHER MEETINGS SCHEDULED OR ATTENDED NEWSPAPER ITEMS & P & Z MINUTES:

OTHER ITEMS OF CONCERN:

**COMMENTS FROM THE CHAIRMAN & OTHER COMMISSION MEMBERS
OTHER:**

**APPLICATIONS NOT REQUIRING OCCIWA APPROVAL & PERMIT
APPROVALS:** Will update

MATTERS OF VIOLATIONS/LITIGATIONS:

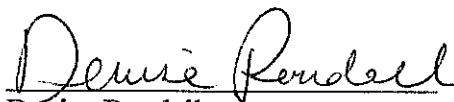
- **Notice of Cease & Restore -10 Park Road violation** (Ms. Tkacz) (Pending Litigation) 7/26/16 awaiting notice from Attorney. (Update on litigation on 3/28/2017 application denied at 6/27/17 regular meeting) (Return of record received by judge on 7/7/2017)

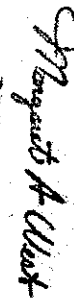
MATTERS OF CONSERVATION:

ADJOURNMENT:

MOTION made by **Commissioner A. Ferrillo** to adjourn at 8:04 p.m.
Seconded by **Commissioner E. Stewart**. All in Favor 4-0.

Respectfully Submitted,


Denise Randall
I/W Administrative Secretary

21 JAN 21 PM 12:43
TOWN OF OXFORD, CT

TOWN CLERK